House
REPUBLICAN
Conference

FloorPrep

Legislative Digest

Wednesday, March 22, 2000

J.C. Watts, Jr.
Chairman
4th District, Oklahoma

House Meets at 10:30 a.m. for Legislative Business

Anticipated Floor Action:
S. 1287—Nuclear Waste Policy Amendments Act
H.R. 3822—Oil Price Reduction Act

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S. 1287—Nuclear Waste Policy Amendments Act

Floor Situation: The House will consider S. 1287 as its first order of business today. Yesterday, the Rules Committee granted a closed rule that that provides one hour of general debate equally divided between the chairman and ranking minority member of the Commerce Committee. The rule provides one motion to recommit, with or without instructions.

Summary: S. 1287 revises the 1987 Nuclear Waste Policy Act (*P.L. 100-202* and *P.L. 100-203)* to address problems and delays that have occurred during the development of a permanent disposal site for nuclear waste. This measure will advance the schedule for receiving nuclear waste at a planned permanent repository at Yucca Mountain, Nevada.

Specifically, the bill (1) requires Congress to approve any increase in nuclear waste fees; (2) sets a schedule for developing an "early acceptance" facility to receive spent fuel as early as 2007, contingent on receipt of an Nuclear Regulatory Commission (NRC) permit for the construction of the permanent repository; (3) authorizes backup storage at the repository for any spent fuel that utilities are not able to store on site; (4) allows the EPA to set radiation standards (after consulting with the National Academy of Sciences and the NRC) after June 1, 2001; (5) requires that all contract holders must elect within 180 days whether to enter into settlement negotiations with the Energy Secretary on outstanding litigation; (6) establishes an acceptance schedule for high-level commercial and defense waste at one central site; (7) transfers 76,000 acres of land to Nevada counties to assist them with the impact of the repository; and (8) uses the Waste Isolation Pilot Plant (WIPP) model for transportation.

The bill does not include "take title" provisions that were included in earlier versions of the Senate bill, which would have required DOE to pay for storing spent nuclear fuel at dozens of nuclear reactors across the country. This provision was dropped after the objections of several governors. In addition, the bill does not authorize a centralized interim storage facility. Other bills relating to nuclear waste contained provisions to allow nuclear waste to be stored at an interim facility near Yucca Mountain years before the permanent site would be completed; however, these provisions were removed in response to administration objections.

The Senate passed S. 1287 by a vote of 64-34 on February 10, 2000. An official CBO cost estimate was unavailable at press time.

Views: The Republican leadership strongly supports passage of the measure. An official Clinton Administration viewpoint was unavailable at press time.

Additional Information: See *Legislative Digest*, Vol. XXIX, #7, March 17, 2000.

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H.R. 3822—Oil Price Reduction Act

Floor Situation: The House will consider H.R. 3822 after it completes consideration of S. 1287. Yesterday, the Rules Committee granted a modified open rule that provides one hour of general debate, equally divided between the chairman and ranking minority member of the International Relations Committee. It makes in order a committee substitute in the nature of a substitute as base text but eliminates a provision in the bill that authorizes the president to suspend military sales to certain countries. The rule makes in order only those amendments that have been pre-printed in the *Congressional Record*. The chairman of the Committee of the Whole may postpone votes and reduce the voting time on a postponed vote to five minutes, so long as it follows a regular 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Summary: H.R. 3822 states that it is the policy of the United States to (1) determine its political, economic, and security relations with major net oil exporting nations based on whether such countries engage in oil price fixing; and (2) work multilaterally with other major net oil importing nations to completely dismantle international oil price fixing arrangements.

The measure requires the president to report to Congress within 30 days of enactment on (1) the overall economic and security relationship between the U.S. and each major net oil exporting nation, including each OPEC member; (2) how coordination among OPEC countries with respect to oil production and pricing has affected the U.S. economy and global energy supplies; (3) all assistance programs under the 1961 Foreign Assistance Act (*P.L. 87-195*) and the 1975 Arms Export Control Act (*P.L. 94-329*) that are provided to oil producing countries (including licenses for exporting defense articles and services); and (4) which countries (as of the date of the president's determination) are engaged in oil price fixing that harms the U.S. economy.

Thirty days after the president submits his reports, he must (1) undertake a diplomatic campaign to convince countries that engage in harmful oil price fixing that the current oil price levels are unsustainable and will negatively affect global economic growth; and (2) begin negotiating on a multilateral basis to reduce, suspend, or terminate bilateral assistance and arms exports to major net oil exporters engaged in oil price fixing to completely dismantle international oil price fixing arrangements described in the report. In addition, within 120 days of enactment, the president must report to Congress describing his diplomatic efforts regarding oil price fixing and the results of those efforts.

As stated above, the rule eliminates a provision in the bill that authorizes the president to reduce, suspend, or terminate assistance of defense articles or services to any country that engages in oil price fixing that harms the U.S. economy.

The bill was introduced by Mr. Gilman *et al*.; the International Relations Committee reported the bill by voice vote on March 15, 2000.

Views: The Republican leadership supports passage of H.R. 3822. An official Clinton administration viewpoint was unavailable at press time.

Amendments: At press time, the *Legislative Digest* was aware of the following amendments to H.R. 3822:

Mr. Bachus may offer an amendment (#4) to require the Treasury Secretary to instruct the U.S. Executive Director at each international financial institution to use the vote and influence of the U.S. to adopt policies that prohibit providing financial assistance to any country deemed by the president to be engaged in oil price fixing harmful to the U.S. economy. ***Contact: x-5-4921***

Mr. Baldacci may offer an amendment (#5) to provide a tax credit (equal to 20 percent of expenditures) for qualified energy efficient improvements to existing homes and small businesses so long as the tax credit does not exceed $2,000 annually. ***Contact: x-5-6306***

Mr. Crowley may offer an amendment (#6) to express the sense of Congress that (1) international oil price fixing causes wide price fluctuations that are harmful to the U.S. economy; (2) high oil and gas prices cause U.S. consumers to pay more for their home heating and gas; (3) these inflated prices affect all sectors of the U.S. economy, particularly senior citizens; and (4) the president should use his authority to reduce U.S. domestic oil and gas prices when OPEC nations take anti-competitive action that adversely affects prices paid by Americans. ***Contact: x-5-3965***

Mr. Crowley may offer an amendment (#7) to express the sense of Congress that the president should use his authority under the Energy Policy and Conservation Act to release petroleum from the Strategic Petroleum Reserve when oil and gas prices in the U.S. rise because of international oil price fixing activities. ***Contact: x-5-3965***

Mr. DeFazio may offer an amendment (#8) to suspend the U.S. export of Alaskan oil for 30 days after enactment until the president determines that the U.S. is not experiencing a shortage of foreign crude oil and an increase in inflation due to the demand for foreign oil. ***Staff Contact: Amelia Jenkins, x-5-6416***

Mr. Dingell may offer an amendment (#9) to extend the authorization of the Energy Policy and Conservation Act from March 31, 2000, to September 30, 2003 (the law governs the SPR and authorizes the president to draw down its reserves). ***Contact: x-5-4071***

Mr. Gejdenson may offer an amendment (#1-2) to express the sense of Congress that the president and the Energy Secretary should use their existing authority to (1) draw down the SPR in an economically feasible manner to combat unfair OPEC foreign trade practices and alleviate the harmful consequences to the U.S. economy; and (2) prepare for future threats to the U.S. economy and energy supply by developing methods to draw down the SPR quickly and increase the quantity of crude oil in the SPR over time in an economical manner. The second amendment also states that Congress should immediately pass and the president should sign into law legislation to reauthorize the Energy Policy and Conservation Act (*P.L. 94-163*; which is scheduled to expire on March 31 of this year) and extend the president's authority to release oil from the SPR; the first amendment does not include this statement. ***Staff Contact: Scott Kovarovics, x5-2076***

Messrs. Hobson, Kasich, Collins, and Boehner may offer an amendment (#10) to repeal the 4.3 cents per gallon gas tax increase that Congress enacted in 1993. The amendment is expected to provide $2.9 billion in tax relief in FY 2000, $6.4 billion in FY 2001, and $32.7 billion over the FY 2001-2005 period. ***Staff Contact: Michael Beer (Hobson), x5-4324***

Mr. Larson may offer an amendment (#11) to allow the president to declare a "severe energy supply interruption" under the Energy Policy and Conservation Act (which authorizes the president to draw down the SPR) if he determines that there is a substantial reduction in the oil supply that (1) has lasted a significant duration; (2) has caused a significant increase on the price of petroleum products; (3) the increase is likely to have negative impacts on the U.S. economy; and (4) a substantial cause of the reduction is the anti-competitive conduct by one or more foreign countries. Proceeds from the oil sales from the emergency draw down must be deposited in the SPR petroleum account. Finally, the amendment includes certain reporting requirements if the price of crude oil exceeds $25 a barrel. ***Contact: x-5-2265***

Mr. Gary Miller may offer an amendment (#12) to require the Energy Secretary, in conjunction with the administrator of the Environmental Protection Agency (EPA), to report to Congress by September 30, 2000, on all available methods of protecting U.S. national security by increasing domestic oil production without harming the environment. ***Contact: x-5-3201***

Mr. Nethercutt may offer an amendment (#13) to strike the provision in the bill that authorizes the president to reduce, suspend, or terminate assistance to any nation that engages in oil price fixing that harms the U.S. economy. However, as noted above, the rule already eliminates this provision in the bill. ***Contact: x-5-2006***

Mr. Nethercutt may offer an amendment (#14) to exempt agricultural commodities, medical devices, and medicine from the reduction, suspension, or termination of assistance authority given to the president under the bill. ***Contact: x-5-2006***

Mr. Nethercutt may offer an amendment (#15) to sunset the authority of the president to reduce, suspend, or terminate assistance within two years of the effective date of the sanctions in the bill. ***Contact: x-5-2006***

Mr. Salmon may offer an amendment (#16-17) to allow the president to freeze the U.S.-based asset of any OPEC or other oil-producing nation that engages in practices to artificially inflate the price of oil. Furthermore, the amendment requires the president (within six months of enactment) to determine if these nations have continued to artificially inflate oil prices. If so, the president must freeze the appropriate assets. The first amendment also requires the Treasury Secretary to report online all assets specified in the bill that are subject to a freeze; the second amendment does not include this reporting requirement. ***Staff Contact: John Ragan, x5-2635***

Mr. Salmon may offer an amendment (#18) to allow the president to freeze the U.S.-based asset of any OPEC or other oil-producing nation that engages in practices to artificially inflate the price of oil. ***Staff Contact: John Ragan, x5-2635***

Mr. Sanders may offer an amendment (#3) to authorize the Energy Department to establish a home heating oil reserve that the president may draw upon when fuel prices exceed normal market rates. It also requires the president to enter into agreements with the oil industry to swap crude oil from the Strategic Petroleum Reserve for both crude oil and 6.7 million barrels of home heating oil in order to create a home heating oil reserve. ***Staff Contact: Warren Gunnels, x5-4115***

Mr. Sherwood may offer an amendment (#19) to require the Energy Secretary to report to Congress within 60 days of enactment to recommend both short and long term solutions on how the U.S. may reduce oil price fixing and its dependence on foreign oil. The report must include an analysis of (1) the sales or exchanges of crude oil from the Strategic Petroleum Reserve; (2) how to increase efficiency in energy utilization; and (3) how the U.S. may increase domestic crude oil production to alleviate risks to national security due to oil price fixing and dependence on foreign oil. ***Staff Contact: John Ormasa, x5-3731***

Mrs. Thurman may offer an amendment (#20) to provide an energy tax credit for energy efficient technologies used by businesses (*e.g.*, solar and geothermal energies, combined heat and power systems, and other energy efficient building properties) so long as the credit does not exceed $2000 annually. The amount of the credit varies from $250 to $2000 depending on the type of energy efficient technology used. ***Contact: x-5-1002***

Mr. Traficant may offer an amendment (#21-23) to make it a federal offense for domestic oil companies to unfairly raise the price of gasoline, diesel fuel, or home heating oil. It also directs the Energy Information Administration (EIA) to analyze the price of gasoline, diesel fuel, and home heating oil to determine whether or not domestic oil companies are unreasonably raising prices. The amendment defines an unreasonable price increase that goes beyond any concurrent increase in an oil company's production and operating costs. If the EIA finds that a company has unreasonably raised prices, it must notify the U.S. Justice Department for possible prosecution. The Attorney General must then decide which cases to prosecute and the Commercial Litigation Division of the Justice Department will handle all cases. Finally, it allows the Justice Department to impose fines of up to $100 million on any company found guilty of price gouging. ***Staff Contact: Dan Blair, x5-5261***

Additional Information: See *Legislative Digest*, Vol. XXIX, #7, March 17, 2000.

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